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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,767	08/25/2003	Donato S. Diorio	001-200	2739
29569	7590	12/18/2006		
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			EXAMINER LEE, JINHEE J	
			ART UNIT	PAPER NUMBER
			2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/647,767

**Applicant(s)**

DIORIO ET AL.

**Examiner**

Jinhee J. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3,4,9,14 and 19 are objected to because of the following informalities:  
  
Claims 3,9,19 are missing a period at the end of the claim.  
  
Claims 4, 14 are missing a period at the end of the claim. Replace ":" with "." To clarify.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re claims 1-20, claims 1-20 claims a data structure, however, it appears the limitations of said claim are merely claiming statements defining various items, therefore said limitations do not appear to be defining any functional interrelations which permits the computer program's functionality (or data structure's functionality) to be realized.

In view of the above, claims 1-20 are therefore directed to non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8, 10-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cotugno et al. (6198480).

Re claim 1, Cotugno et al. discloses an internet browser consisting of: a browser that uses a hierarchical structure (see column 4 lines 32-38, 47-60, column 10 lines 1-25 for example).

Re claims 2 and 12, Cotugno et al. discloses a browser or process of browsing: in which said browser uses a graphical user interface to display, organize and manage hierarchically linked WebPages (see column 4 lines 46-60 for example).

Re claims 3 and 13, Cotugno et al. discloses a browser or process of browsing: in which said browser has child pages that have an optional icon (see column 15 lines 1-30, column 46 lines 46-50 for example).

Re claims 4 and 14, Cotugno et al. discloses a browser or process of browsing: in which said browser has a collapse state (see column 46 lines 46-50 for example).

Re claims 5 and 15, Cotugno et al. discloses a browser or process of browsing: in which said collapse state is done through a collective means (see column 46 lines 39-50 for example).

Re claims 6 and 16, Cotugno et al. discloses a browser or process of browsing: in which said collapse state is done through by pressing an icon on said browser screen (see column 46 lines 46-50 for example).

Re claims 7 and 17, Cotugno et al. discloses a browser or process of browsing in which said collapse state will collapse all of the children of a parent (see column 46 lines 46-50 for example).

Re claims 8 and 18, Cotugno et al. discloses a browser or process of browsing: in which said browser displays WebPages in a child-parent relationship (see column 15 lines 1-30, column 46 lines 46-50 for example).

Re claims 10 and 20, Cotugno et al. discloses a browser or process of browsing: In which said browser will collapse on a double click of a mouse (see column 46 lines 45-49 for example).

Re claim 11, Cotugno et al. discloses a process of browsing the Internet comprising the steps of: using a hierarchical browser (see column 4 lines 32-38, 47-60 and column 10 lines 1-25 for example).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotugno et al.

Re claims 9 and 19, Cotugno et al. substantially discloses a browser or process of browsing as set forth in claims 1 and 11 respectively above. Cotugno et al. does not explicitly disclose: in which has the ability to change to a horizontally collapsed state. Cotugno et al. discloses vertical collapsed state. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the collapsed state horizontally, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M- F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee  
Primary Examiner  
Art Unit 2174

A handwritten signature in black ink, appearing to read 'Jinhee J Lee', written over the printed name and title.

jji